

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DARNELLE HORSEY (1424669)</b>	:	<b>CIVIL ACTION</b>
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>NO. 10-2370</b>
	:	
<b>JEFFREY BEARD, SECRETARY OF</b>	:	
<b>PENNSYLVANIA D.O.C., THE DISTRICT</b>	:	
<b>ATTORNEY OF THE COUNTY OF</b>	:	
<b>PHILADELPHIA, and THE ATTORNEY</b>	:	
<b>GENERAL OF THE STATE OF</b>	:	
<b>PENNSYLVANIA,</b>	:	
<b>Respondents.</b>	:	

**ORDER**

**AND NOW** this 25<sup>th</sup> day of May, 2011, upon consideration of the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 filed by petitioner, Darnelle Horsey (Document No. 1, filed May 19, 2010), and the record in this case, and after review of the Report and Recommendation of United States Magistrate Judge M. Faith Angell dated April 15, 2011 (Document No. 16), no objections having been filed, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge M. Faith Angell dated April 15, 2011, is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 filed by petitioner, Darnelle Horsey, is **DENIED WITHOUT AN EVIDENTIARY HEARING**; and,
3. A certificate of appealability will not issue for the grounds on which the Court denies relief because reasonable jurists would not debate this Court's procedural rulings and because petitioner has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

/s/ JanE. DuBois. J.

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**JAN E. DUBOIS, J.**